

Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street, N.W.
Washington, DC 20006

T +1 202.887.4000
F +1 202.887.4288
akingump.com

Akin

Anthony T. Pierce
+1 202.887.4411/fax: +1 202.887.4288
apierce@akingump.com

October 28, 2024

VIA ELECTRONIC COURT FILING

Hon. Victoria Reznik
United States Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd., et al.*,
Case No. 7:13-CV-09239-CS-VR and Related Case No. 7:15-CV-03420

Dear Judge Reznik:

We represent Defendant American Express Company (“American Express”) in the above-captioned case. This letter is submitted in accordance with the Court’s October 21, 2024 Order (ECF No. 409) (the “Order”).

American Express will not join in the Omnibus Motion and will not submit a Supplemental Memorandum to the Omnibus Motion. American Express understands that by forgoing participation in the Omnibus Motion it will not be permitted to raise the three threshold issues—statute of limitations, personal jurisdiction, or extraterritoriality—in a future Rule 12 motion in this matter. However, American Express does reserve the right to (1) raise other issues in a future Rule 12 motion and/or (2) raise a statute of limitations defense in a future responsive pleading and/or a motion for summary judgment in accordance with the Federal Rules of Civil Procedure, as contemplated by the Order. *See* Order at 3.

Respectfully submitted,

/s/ Anthony T. Pierce

Anthony T. Pierce

Cc: All counsel of record, via ECF.